

REMARKS

Claims 1-27, 29-54, 57-59, 63-68, 70-98, and 110-121 are pending in the present application. Claims 70-98 have been withdrawn from consideration in compliance with a previous election requirement. Claims 28, 55, 56, 60-62, 69, and 99-109 have been cancelled. Claims 22-27, 29, and 32 have been amended to correct formal matters noted by Applicants. Independent claim 1 has been rewritten to incorporate the allowable subject matter of claim 28. Claims 33-36 and 63-65 have been rewritten to be in independent form and to incorporate the allowable subject matter from any intervening claims. Dependent claims 57-59 have been amended to depend on amended claim 63 and to correct formal matters. New dependent claims 110-121 have been added to depend from claims 34-36, respectively. Support for new claims 110-121 may be found in original claims 39-42. Accordingly, no new matter has been added to the application by the foregoing amendments.

Allowable Subject Matter

The Examiner has objected to claims 28, 33-36, and 63-68 but stated that these claims would be allowable if rewritten in independent form to include all features of the base claim and any intervening claims. Applicants thank the Examiner for this indication of allowable subject matter.

Independent claim 1 has been amended to incorporate the features of original claim 28. Thus, original claim 28 has been rewritten in independent form to incorporate all features of the base claim (original claim 1). Therefore, Applicants respectfully submit that claim 1 is allowable and that the Examiner's objection to claim 28 is overcome. Further, dependent claims 2-27 and 37-54 are believed to be allowable at least by their dependency on amended claim 1.

Claims 33-36 have each been amended to be in independent form and incorporate the subject matter of claims 1 and 29. Claim 63 has been amended to be in independent form and incorporate the subject matter of claims 55, 61, and 62. Claims 64-65 have each been amended to be in independent form and incorporate the subject matter of claim 55. Therefore claims 33-36 and 63-65 are believed to be allowable. Claims 66-68 and

110-121 are believed to be allowable at least by their dependence on independent claims 34, 35, 36, and 65 respectively. Reconsideration and withdrawal of the Examiner's objection are therefore respectfully requested.

Claim Rejection – 35 USC § 102

The Examiner has rejected claims 1-2, 20-27, 29-32, 37-56, 59-62, 69, 99-100, and 102-109 under 35 USC § 102 as being anticipated by U.S. Patent 6,909,837 to Unger ("Unger"). Although the Office Action states that "Claims 1-2, 20-27, 29-31 37-62, 69, 99-100 and 102-109" are rejected, Applicants assume that this rejection does not include claims 57-58 because no grounds of rejection are stated for claims 57 or 58 under § 102, whereas grounds are found in a later section.

Although Applicants do not agree with this rejection, in order to expedite a Notice of Allowance, independent claim 1 has been amended to incorporate the allowable subject matter of claim 28. Thus, claim 1 is believed to be allowable. Since claims 2, 20-27, 29-32, and 37-54 depend on claim 1, they are believed to be allowable at least due to their dependence on claim 1. Further, claim 63 has been amended to be in independent form and incorporate the allowable subject matter of claims 55, 61, and 62. Thus, claim 63 is believed to be allowable. Claim 59 is believed to be allowable at least due to its dependence on claim 63. Claims 55, 56, 60-62, 69, 99-100, and 102-109 have been canceled. Therefore the Examiner's rejection of these claims is moot. Reconsideration and withdrawal of the Examiner's rejection of claims 1-2, 20-27, 29-32, 37-56, 59-62, 69, 99-100, and 102-109 are therefore respectfully requested.

Claim Rejection – 35 USC § 103

The Examiner has rejected claim 101 under 35 USC § 103(a) as being unpatentable over Unger in view of Official Notice. Although Applicants do not agree with this rejection, claim 101 has been canceled, in order to expedite a Notice of Allowance. Therefore the Examiner's rejection of this claim is moot. Reconsideration and withdrawal of the Examiner's rejection of claim 101 are respectfully requested.

The Examiner has taken Official Notice (see page 10 of the Office Action) that “using a CD or DVD for storing data is well known in the art.” However, Applicants disagree that there are “facts outside of the record which are capable of instant and unquestionable demonstration as being ‘well-known’ in the art,” as required by M.P.E.P. §2144.03, which would support an Examiner’s finding of Official Notice.

To the extent that the Examiner’s taking of Official Notice may be applied to any of the pending claims, Applicants respectfully traverse the Examiner’s taking of Official Notice, and respectfully request that the Examiner support the taking of Official Notice by producing a relevant reference that teaches that “using a CD or DVD for storing data is well known in the art,” and that the Examiner identify a specific teaching in the reference that supports a combination with Unger or any other applied reference.

The Examiner has rejected claims 3, 4, 7-14, 17-19 and 57-58 under 35 USC § 103(a) as being unpatentable over Unger in view of U.S. Patent No. 4,845,564 to Hakamada et al. (“Hakamada”). As noted above, independent claim 1 has been amended to include the allowable subject matter of claim 28. Accordingly, Applicants submit that independent claim 1 is allowable over the combination of Unger and Hakamada. Dependent claims 3, 4, 7-14, and 17-19 are believed to be allowable at least due to their dependence on claim 1. As noted above claim 63 has been amended to be in independent form and incorporate the allowable subject matter of claims 55, 61, and 62. Accordingly, Applicants submit that claim 63 is allowable over the combination of Unger and Hakamada. Dependent claims 57-58 are believed to be allowable at least due to their dependence on claim 63. Therefore, the Examiner’s rejection of these claims is moot. Reconsideration and withdrawal of the Examiner’s rejection of claims 3, 4, 7-14, 17-19 and 57-58 are respectfully requested.

The Examiner has rejected claims 5, 6, 15 and 16 under 35 USC § 103(a) as being unpatentable over Unger in view of Hakamada and further in view of U.S. Patent 5,031,044 to Canfield et al. (“Canfield”). Claim 1 has been amended to include the allowable subject matter of claim 28. Accordingly, Applicants submit that independent claim 1 is allowable over the combination of Unger, Hakamada, and Canfield. Dependent claims 5, 6, 15, and 16 are believed to allowable at least due to their dependence on claim 1. Therefore the Examiner’s rejection of these claims is moot.

Reconsideration and withdrawal of the Examiner's rejection of claims 5, 6, 15 and 16 are therefore respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's objections and rejections have been overcome, and that the application, including claims 1-27, 29-54, 57-59, 63-68, and 110-121, is in condition for allowance. Reconsideration and withdrawal of the Examiner's objections and rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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